

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARCUS RONALD SANDERS,

Petitioner

v.

//

CIVIL ACTION NO. 1:06CV181

CRIMINAL NO. 1:05CR102

(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 26, 2006, the pro se petitioner, Marcus Ronald Sanders, filed a petition pursuant to 28 U.S.C. § 2255, which the Court referred to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On March 14, 2007, Magistrate Judge Kaul issued an Opinion and Report and Recommendation recommending that Sanders' Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody be denied and the case be dismissed with prejudice.

The Report and Recommendation also specifically warned that failure to object to the recommendation would result in the waiver of any appellate rights on this issue. No objections were filed.¹

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

The Court, therefore, **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, the Court **DENIES** the Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Docket No. 81 in 1:05CR102 and Docket No. 1 in 1:06CV181) and **ORDERS** Sanders' case **DISMISSED WITH PREJUDICE** and **STRICKEN** from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested and to counsel of record.

Dated: October 24, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE